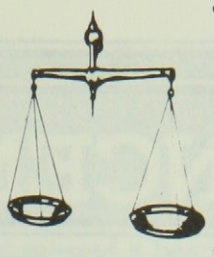


Quid Novi



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MCGILL UNIVERSITY FACULTY OF LAW
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September 23, 1987
le 23 septembre 1987

SHARANSKY INAUGURATES LECTURESHIP IN HUMAN RIGHTS

by Terry Pether

On September 15, a man whom Professor Irwin Cotler has called "a metaphor for human rights in our time" squeezed his way through a standing ovation to the front of the Moot Court. He came before the packed room to inaugurate a programme endowed in his name, the Natan Sharansky Lectureship on Human Rights, jointly organized by the McGill Faculty of Law Human Rights Programme and Interamicus, a newly created Canadian-based International Human Rights Advocacy Centre.

Many McGill law students have followed closely the case of the Soviet prisoner of conscience. While Sharansky languished in a cell, it was Prof. Cotler who first took up his case at the urging of Sharansky's wife, Avital,

when she came to Canada seeking help in 1977. Indeed, Sharansky's appeal brief, alleging some twenty violations of Soviet law surrounding his conviction for anti-Soviet slander and agitation, was prepared at McGill law school. Those efforts and others before the "world court of public opinion" ultimately lead to Sharansky's release in 1986, whereupon he emigrated to Israel.

Of the system which imprisoned him, Sharansky said that "their law is instrumental; it belongs to the authorities." He explained that even though Soviet criminal law, like Canada's, forbids specific acts, the state does not dwell upon the consequences of many of those acts. The priority, he said, is to alter the minds of so-called criminals by imprisoning them, incrementally isolating them from the world outside. Less food. Less exercise. Fewer letters. Fewer visitors. Eventually to nothing at all, or at least until the "criminal" finally condemns his own beliefs. Sharansky himself never did agree to cooperate with the KGB.

At his trial, Sharansky even dared to mock the common Soviet practice of turning offenses into psychiatric charges to prove that he had not been lying in his protests against the state for psychological oppression. To the court, he told the story of a Ukrainian who had resettled from Canada to his homeland following the Second World War. Years later, when the man sought to return to Canada, he was told that he

would require an invitation from Israel. For all his frustration against the absurdity of this rule, the Ukrainian ended up in a psychiatric hospital. Sharansky pointed out that Soviet lawyers almost always accept state-endorsed certificates as proof of insanity.

How does one fight to change such a system? The key, believes Sharansky, is "linkage" of the sort found in the U.S. "Jackson amendment" which calls for an end to economic aid to non-market countries that refuse to let their people emigrate. Sharansky also argued that, in accordance with agreements made at Helsinki, there should be no political, economic or cultural exchanges with the Soviet Union which are not linked to human rights. This approach, he said, would force the U.S.S.R. to prove it is serious about human rights.

Sharansky believes that the linkage strategy works with Mikhail Gorbachev. The Soviet premier is a realist when it comes to the urgency of economic reforms, said Sharansky, and he realizes that any economic success will be linked to improvements in human rights. Indeed, using his own example, Sharansky agreed that Gorbachev has made some significant gestures. Unlike his predecessors, Gorbachev does not do things quietly to save face; he does things loudly to gain face.

Quote of the Week

Prof. Sklar - Evidence

When citing an example of an X-rated video, Prof. Sklar referred to "Deep Throat", then supposedly intending to show how old he is in using this as an example, he said:

"That's how far back I go."

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SEP 29 1987

ANNOUNCEMENTS

IMPORTANT INFORMATION

All B.C.L. III National Programme and all LL.B. IV students who have taken Judicial Law **must** take Common Law Civil Procedure this term.

Common Law Civil Procedure will **not** be offered again after the 1987-88 academic year.

Students having taken Judicial Law will not be permitted to take National Civil Procedure next year.

EXAMINATION CONFLICTS

Students who have built in an examination conflict are strongly advised to make the necessary changes to their timetable immediately.

No exceptions will be made to the exam schedule for any student who might be in this position.

INFORMATION SESSION

Graduate Studies/ Court Clerkships

On Monday, September 28 at 5 p.m. in the Common Room, there will be an information session for second, third and fourth year students interested in graduate studies in law and court clerkships. If you want information on the opportunities (and money) available, come along. Interested students are asked to be punctual.

WOMEN'S INTRAMURALS

To all interested women:

The Flag football and soccer teams are still welcoming newcomers to their ranks. Flagball games will be each Friday at 4:00 P.M. and soccer games will be Wednesday nights. If you are interested in joining the team please leave your name and phone number at SAO. No experience necessary!

QUID ADVERTISING

Interested in advertising in the *Quid*? We have weekly rates of which the following are the principal ones:

Vous désirez faire de la publicité dans le *Quid*? Nous avons des taux hebdomadaires qui sauront vous intéressés. En voici quelques uns:

	Nombre de semaines/Number of weeks					
	1	4	6	12	18	24
1 page entière 1 full page	38.00	147.00	216.00	408.00	576.00	720.00
1/2 page	19.00	74.00	108.00	204.00	288.00	360.00
1/4 page	10.00	38.80	57.00	108.00	153.00	196.00
1/8 page (carte d'affaires) (business card)	5.00	19.40	28.50	54.00	76.50	96.00

Murder-by-Law

This week the *Quid* introduces **Murder-by-Law**, a thrilling murder mystery set in the august halls of a distinguished law faculty. Tune in each week so as not to miss an exciting chapter so that you may, along with our belaboured heroine, deduce whodunnit!

The characters and situations in this series are entirely fictional and are in no way intended to resemble or represent any persons living or dead. Any resemblance is purely coincidental.

by Teresa Scassa

Chapter I

Tracy stood on the front steps of the law faculty with her mouth every bit as agape as those of her fellow students. The ambulance attendants were lugging their heavy burden down the stairs. The huge shapeless form under the flapping white sheet could have been an anesthetized walrus being transported Wild-Kingdom style from one craggy beach to another. But it wasn't. It was Professor Colin McHeath. And his anesthetic was death.

Tracy, having temporarily forgotten her fingernails, chewed thoughtfully on her lower lip. She turned to her companion Lily Whyte whose enormous brown eyes stood out in a cameo-pale face framed by dark curls.

"I wonder what happened? I saw him just yesterday after the marks came out. He was looking quite gleeful. I can't believe he's dead."

"He failed thirteen students. I'd find it harder to believe if he were still alive."

"Well I guess he must have been pretty old."

"Not that old" remarked a gangly

youth whose random smattering of facial hair suggested a beard. It was Maurice. Funny, though Tracy. He always seems to be just one step away.

At the front door of the faculty, Professor Bellesnotes stood talking earnestly to Dean Maggie Rock. Dean Rock looked annoyed. She pursed her thin lips and strode down the stairs towards the ambulance. She spoke imperiously to the two attendants.

"I've never had a professor die here before," Tracy overheard. "I'm not at all pleased. He is quite dead, you're sure?"

"Yes ma'am. He's already stiff."

A voice from behind Tracy commented, "They could prop him up in a chair and he could finish teaching the semester. No one would notice." It was Doris Lane. McHeath had given her her lowest grade in law school and she was still bitter. That B+ didn't sit well on her transcript.

"Show a little respect, Doris," said Maurice in a tone which he hoped Tracy would find both manly and correct. But she wasn't listening. Her attention was drawn with that of the others to the Dean who had returned to the top of the stairs and stood above her flock, cool and imperious as a pillar of marble.

"That's enough rubber-necking" she began abruptly. "I assume you've all arrived for early classes and I expect you to go to them. Professor McHeath appears to have died in his sleep in his office. It is most unfortunate. Professor McHeath's classes will be cancelled for today."

Chapter II

Tracy carefully unfolded the note

which Lily had passed to her during class. It read, quite simply, "I think I'm going to die." Tracy sighed in resignation. She knew Lily had been fretting all weekend to be back in this class. She was hopelessly in love with Professor Lejeune.

Well there's no accounting for taste, thought Tracy, as she watched the little man bounce around the podium. He was cute, with pink cheeks, big eyes, and an endearing boyish enthusiasm. If she copyrighted him she could make a killing next Christmas. Cabbage Patch Profs, she mused. Ick.

When class ended, Tracy rose and began assembling her books. Lily had jostled her way to the front of the class past the ring of eager disciples. She had dropped her books dramatically with a well-rehearsed squeal of dismay at Professor Lejeune's feet. Tracy couldn't bear to watch. Lejeune didn't stand a chance.

In the hallway she felt someone touch her elbow. She turned, expecting Maurice and was delighted to see Jack Murray instead.

"Jack! What's up? I'm sorry I missed that last deadline but I had this stupid assignment to do for McHeath. Oh...I guess that's disrespectful."

"Well, actually I wanted to talk to you about McHeath" responded the editor of the faculty's newspaper. "Can you come down to my office? I'd rather do it in private."

Reflecting that most people would, also, Tracy followed him docilely down the stairs.

They settled into chairs in the tiny office made tinier by a wall of beer cases.

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Editor-in-Chief Joani
Redactrice-en-chef Tannenbaum

Associate Editor Normand
Rédacteur adjoint Perreault

Staff/ Membres

Teresa Scassa
Robert Tannenbaum
Jeanne Cadorette
Brad Condon
Dan Urbas
Mark Segal

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Murder-by-Law Cont'd from p.3

"Listen" said Jack with obvious excitement. "The coroner just made his report on McHeath's death. They think he died of boredom."

"Are you kidding?" exclaimed Tracy. "You don't die of boredom. I hope not anyway," she added, thinking of her next class.

"Well they found him slumped over the Tax Act, so they're sure that's it."

"Still."

"That's what I thought. He's been teaching law school for thirty years."

"Maybe it builds up in your system."

"They're doing studies. But I don't buy it. The coroner's verdict I mean. It doesn't sound right."

Tracy raised an inquiring eyebrow.

"Well, why would he be reading the Tax Act? For the last twenty years he's done nothing but contracts. He doesn't need to read tax. In fact," stated Jack with journalistic triumph, "he doesn't even own a tax act."

Tracy looked suitably awed to humour her friend. "How do you know that?" she asked politely.

"Simple. I was interviewing him just last week for my 'Know the Faculty' column. I asked him what he thought were the most important courses to take. He was vehemently against tax. He bragged about not having an Act. In fact, he hasn't had an Act in years."

"I'd heard that," remarked Tracy. "But I didn't know about tax. Still, he have may suddenly felt he was missing something."

"Maybe. But why read the Tax Act? There's a great summary floating around. No. I'm sure it was planted there."

"What do you mean?"

"I mean that I think someone put it there to make it look like he died of boredom. I think," Jack lowered his voice to a dramatic pitch, "I think he may have been murdered."

Tracy allowed the chill to make its way up and down her spine before responding to this urgent whisper.

"But Jack," she exclaimed in an equally urgent tone. "That's impossible. Who would do such a thing? And you can't prove it anyway."

"I could prove he didn't die of boredom. Not from reading the Tax Act. It's too boring. You would fall asleep before you could read enough of it to kill you. Now, if it had been the Civil Code..."

"But who would kill a prof?"

"Who?" asked Jack with incredulity. "Hasn't it crossed everyone's mind as a thing to do? You were complaining a few minutes ago about that last assignment."

"Sure, but everyone complains. No one kills. You know how apathetic we all are."

"Still, Tracy. There are too many possibilities. Doris, for example. He gave her that B+ two years ago and she's hated him ever since."

"Doris wouldn't kill unless she was graded on it."

"There's also Dinah. Remember how McHeath refused to put 'he/she' on his exam problems. He said Dinah at least could be grateful to be included in the masculine gender."

"Yeah. If looks could kill..."

"Exactly. And then there's Frank Butler."

Cont'd on p.5

Murder-by-Law Cont'd from p.4

"You think Butler did it?"

"Well, I hear McHeath came up to him at a party once and told him how simplistic and pathetic his last exam had been. Right in front of this pretty girl he was trying to impress. And it turned out that McHeath had given him an A. He hates giving A's to anyone, so he wanted to ruin Frank's evening."

"Or maybe he was doing the woman a favour." Tracy had never liked the arrogant Butler. "Still, if you wanted to bore anyone to death, Frank would be the one to hire."

"I'm serious Tracy. And there's more too. There's the faculty."

Tracy sat forward in her chair. Gossip about the faculty was so much more stimulating.

"Like who?"

"Well I have to do some more research, but..."

Just then the door burst open. Jack and Tracy jumped with guilty fright. It was Lily. She looked flushed and triumphant.

"Oh there you are Tracy. Hi Jack. Can I come in?" She had already closed the door behind her. "Guess what," she breathed excitedly to Tracy, her rapture making Jack redundant. "Professor Lejeune is going to help me do quasi-delicts in his office."

"Congratulations" offered Tracy dubiously.

"I didn't know you were having trouble in that course," said Jack in surprise. "I heard you aced the mid-term."

"She did" said Tracy dryly. She noticed that Jack was alternating between being flushed and being dead pale. He was obviously desperately

taken with the lovely Lily. Lily either hadn't noticed or didn't want to. It was too bad. Jack might not look like an adorable stuffed toy, but he was awfully nice.

"Um well, what are you two doing?" inquired Lily tossing back her curls in blithe innocence. "Boring newspaper stuff?"

Jack looked like a puppy who'd been kicked by its worshipped master. Tracy intervened quickly.

"Jack thinks McHeath's death may not have been so natural."

"That's right" exclaimed Jack with excitement. "I'm going to publish my suspicions in the next issue."

"You mean you think Professor McHeath was murdered?" inquired Lily with awe.

"I can prove he didn't die of natural causes," stated Jack with pride.

"Be careful, Jack," warned Tracy. "If he wasn't murdered you'll look like a fool. And if he was..."

"You'll be in terrible danger" breathed Lily who had read too many murder mysteries.

"Don't worry about me" Jack replied in heroic tones. "I have a responsibility to my position as editor of this paper to uncover truth wherever it may lie buried."

"Well," remarked Tracy dubiously, hoping that at least Lily would be impressed.

"Just let me know if you hear anything about the faculty. You know, leads. It could be a professor."

"Oh no!" gasped Lily. "He'd never do a thing like that."

"I don't think Jack meant cuddles," remarked Tracy as she rose to leave. "I really don't want to get involved, Jack."

McGill Law Professor has Premonition

Dateline: McGill Daily
Monday, Sept. 14, 1987

"A woman was hospitalized after being hit by a car while crossing Doctor Penfield at McTavish street on Friday."

In Foundations class on Friday, September 11th at 12 noon, Professor John Brierly warned a class of 80 students that an automobile accident would take place in the area of the Peel & Dr. Penfield intersection. The above quoted article documents that the accident students were told they could look forward to, happened that very afternoon. Students were in awe of Brierley's powers of prediction. The big question now is will he leave the faculty to host NBC's late night talk show under the title of "Brierley the Magnificent"? Brierley, thought to be a direct descendent of Nostradamus, refused to comment. He also declined to make further predictions outside of his Foundations class. According to a reliable source in his Property class, he's been filling his patrimony with shares of IBM and Bombardier.

But if I hear anything...

"Thanks Tracy, you're a real friend. And don't miss any more deadlines."

Chapter III

All this talk of murder must be getting to her, Tracy decided. She distinctly felt that the blond haired young man with the amazing jawline at the desk across from her was watching her. She put down the telephone and began to fill out the legal aid report form. She felt eyes tracing the movement of her hand across the paper, but when she looked up he was staring at the work laid out in front of him.

Cont'd on p.6

Chapped Hands for First Year Students

by Dan Urbas

Before seeing her off at the airport, I armed my youngest sister with an analogy. It is her first year in university and her first year in residence. To caution her against letting her courseload fall beyond her and to help her pace herself with her unfamiliar academic demands, I explained that "homework is like the dishes: Do a little bit each day and keep the sink empty". It is a nuisance, yes. But, this daily pace keeps you from having to face some insurmountable, hardened pile which can quickly deposit itself and ruin your weekend. So wise.

A week after she left, I received a phone call from her. She talked excitedly for a while; she has Wednesday's

off and they have two football teams. She then asked me "How were the dishes in law school?" I paused, having forgotten my stupid analogy, and reflected on the first week of classes.

"I feel like a one-armed dishwasher at the Montreal Convention Center." I added, on further thought, "I work the five course all-you-can-eat in the Bulemia Banquet Hall".

Rumour has it that after his Thursday night blow out, Convention Organizer and Buffet Manager Dean Macdonald has booked us solid 'till December. Upper year students laugh. They warn us that the only sunlight we'll be seeing is the lemon-fresh one in the shatter-proof plastic jug. But, then again, it is only a stupid analogy.

Murder-by-Law Cont'd from p.5

His name was Bruce. She had seen him around the faculty, but had never spoken to him. This was the first time he had worked a legal aid shift with her. He was transferred to this time slot just after Jack's articles on McHeath's death had come out. She hated to think the events were related, but so many strange things had been happening lately.

The Dean had not taken Jack's articles well. A hedgehog on her good days, she turned into a bristling man-eating porcupine at the slightest trouble. And Jack's articles were trouble. He had decided to campaign for an inquest. That was the last thing Dean Rock wanted.

"I don't care how he died!" she stormed at Jack in her office. He was still pale and shaking when he'd recounted his experience to Tracy the next day. "I don't care if he was executed by Brazilian terrorists smuggling arms to the Inuit through the law

school," she ranted, "He's dead. Who cares why. What matters is that his courses get taught and that we scrape together something publishable out of his deskful of senile ramblings."

Jack felt that the Dean had made her position quite clear. He had immediately placed her name on his list of suspects.

"Very high on the list" he confided to Tracy. "She was almost hysterical when I mentioned murder."

"But that's irrational," objected Tracy. "You can't go placing people on a suspect list just because of erratic behavior. You'd have to put everyone in the faculty down. Besides," argued Tracy, "she's got a school to run. Nobody wants to study criminal law that closely."

Tracy realized that she had stopped filling out her form. She wondered if her watcher had noticed too. He was beginning to make her nervous. She

decided to place him on Jack's list of suspects.

Chapter IV

Tracy and Lily were sitting in the cafeteria poking absently at their food. Tracy had ordered a chicken sandwich, but something about it kept reminding her of the fat, strutting pigeons on the front lawn. Lily's pastry had collapsed into a pile of rubble that a kind person would describe as light flakes, but which bore a closer resemblance to crumbling plaster. To distract themselves, they were talking idly, but in hushed tones, about the demise of professor McHeath.

"Does Jack still insist it's murder?" inquired Lily, flicking a flake of pastry from a long and glossy fingernail.

"Yeah. Isn't it nuts?" responded Tracy. "I just can't talk sense to him."

"Who do you think did it?"

Tracy glared at her friend. "I don't think anyone did it," she replied coldly.

"No but if they had. Who would it be?"

"Well," muttered Tracy. "There's certainly enough students who hated McHeath."

"True." Lily paused to nibble at a corner of her pastry. She made a face and put it down. "Maybe he ate the cafeteria food," she observed.

"If he did he deserved what he got." She prodded her sandwich. "I wonder what this was in its former life."

"Do you think it was a prof?"

"What?" exclaimed Tracy with a sharp rush of nausea.

"The murderer. Do you think it was a

Cont'd on p.7

Murder-by-Law Cont'd from p.6

prof?"

"Oh for God's sake, Lily. There was no murderer."

"Still Henri thinks..."

"Who?"

"Henr...I mean Professor LeJeune."

"You talked about this with him?"

"Among other things."

"God Lily, don't you have better things to do?"

"Well conversation is nice too, you know. Besides, Jack did want to know more about suspects among the professors."

Sharansky Cont'd from p.1

It is Gorbachev's quest for credibility in human rights that compels Sharansky to be dubious of "glasnost", in spite of his optimism. He reminded his audience that Gorbachev is still very much a product of the Soviet system. He is no champion of human rights. Emigration for example, noted Sharansky, is still down from past years. As a realist, Gorbachev will do only as little as it takes to make the world love him. This is why, as the West embarks upon a new détente, said Sharansky, human rights should be integral to any deals.

Sharansky closed by urging his audience to take part in driving the significance of human rights home to Mikhail Gorbachev. A long time ago, said Sharansky, the KBG laughingly told him that only students and housewives were out there helping him. Standing before that crowd only a few days ago, Natan Sharansky showed them, and us, that housewives and students were enough.

"That's ridiculous."

"No it's not. Really. You wouldn't believe how trivial they can be over things like tenure and sabbaticals. I heard that Professor Whaul mixed up McHeath's lecture notes once. You know how McHeath lectures by reading straight from the page. Well he delivered a lecture on Victorian pornography to his first year contracts class once. He didn't even notice."

"Did they?"

"I hear they took copious notes."

"From the looks of them they'd have to," Tracy remarked cynically. "But it was probably just a joke."

"Professor Whaul doesn't joke. He's been here as long as McHeath and when McHeath got the biggest office, Whaul was livid."

"No one kills for a view."

"Maybe. But people do kill, you know".

"I know. I took criminal, remember."

"And you got an A too. I'm surprised at you," pouted Lily. "You should be more interested."

"I think the whole thing's silly."

"Did you know that Professor Hyde told Dean Rock that McHeath was a senile old goat and that the school should get rid of him?"

"Didn't the Dean already know?"

"Hyde is only an Associate Prof. If McHeath were to go, she's next in line for full professor."

"Well I guess she got lucky."

"How did you know?!" exclaimed Lily indignantly. "I was just getting to that."

"Oh?" asked Tracy, suspecting she

was in over her head.

"Well if you know I won't say it," sulked Lily.

"I don't know what you're talking about," sighed Tracy.

"About Professor Bellesnotes and Professor Hyde."

"What about them?"

"Well they're lovers. Or at least Professor Lejeune thinks they are. Isn't that wild?"

"I have goosebumps," remarked Tracy dryly.

Nevertheless, it would give her something to muse about in her course with Professor Hyde.

"And then there's Professor Mort Main."

"Yeah, but he want's the Dean's job."

"Well, so maybe he committed this murder to disgrace her and force her to resign."

"Maybe she committed the murder."

"Do you really think so?"

"Of course not. I don't believe there was a murder. The whole thing is stupid."

Lily looked miffed and petulantly poked at her disassembled dessert. Tracy realized that she had probably spoken too harshly.

"You want coffee?" she asked in a truculent gesture of peace. She half rose in her chair when a voice from behind her made her freeze.

"Don't move!" it exclaimed. Tracy slowly sank back into her chair. It was Maurice. He beamed all over his

Cont'd on p.8

Dear Abby Initio

Back by popular demand!

In the *Quid!*

Are you shy? Need advice? Having trouble sleeping at night? Is something intensely personal bothering you?

Does your law partner not have all the answers?

Can't find it in the Code?

Then slip an anonymous letter under the door of the *Quid* and let "Dear Abby Initio" find the solution to your problem.

Dear Abby Initio,

I feel violated. I am a conscientious student and take great pains to make my case briefs while reading. My briefs are neat, tight and clear. Everyone in my classes knows this. They ask to borrow my briefs and return them with stains and dirty fingerprints. How can I politely keep other students from staining my neat, tight and clean briefs?

Signed,
Stained and violated

Dear Stained,

Wear tighter pants.

Murder-by-Law Cont'd from p.7

marginally post-adolescent face at the prospect of being of service to Tracy. "I'll get your coffee. I'll get it right away. Don't you move a muscle. How do you want it?"

"Black," replied Tracy with feeling.

Famous and Infamous Latin Maxims (Voluminus II)

Compiled by Josephus
Starninius

1) *Constitutionalibus sine Stephenus Scottius sum similie die sine solis.*

"Constitutional Law without Stephen A. Scott is like a day without sunshine."

2) *Possum non potest pacta privata juri publico ineo juris civilis.*

"Marsupials are prohibited from entering into employment contracts in Quebec, unless for breeding purposes."

3) *Ille valet facio.*

"When all else fails, the Butler did it!"

4) *Res ipsa loquitor.*

"What are you - blind, stupid or both!?"

5) *Nemo est haeres viventis.*

"I'm gonna get that Kwazy wabbit if it's the last thing I do!"

6) *Silentium in senatu est vitium.*

"The silent ones are always the deadly ones!"

7) *Verba intenioni, non e contra, debent inservire..*

"Wise is he who promises the world, but makes sure he doesn't sign anything."

8) *Veritas est justitiae mater.*

"Lying is wrong, unless you can get away with it!"

9) (An example of positive law)

Ex nudo pacto, non oritur actio.

"Streaking is prohibited in all public areas of the faculty."

10) (Famous Last Words)

Excusatio, doctor, illud sum vado in ille examinis?

"Excuse me, professor, is that going to be on the exam?"

